

Last Updated: 5/29/2015

FORM 1 (ND/SD MISS. DEC. 2014)

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION

FRANK BOERSCHMANN, on behalf  
of himself and others similarly situated

PLAINTIFF

v.

CIVIL ACTION  
No. 3:15-CV-98-MPM-SAA

GROUND SUPPORT SPECIALIST, LLC  
and RUDY W. YATES, INDIVIDUALLY

DEFENDANTS

**CASE MANAGEMENT ORDER**

This Order, including all deadlines, has been established with the participation of all parties and can be modified only by order of the Court on a showing of good cause supported with affidavits, other evidentiary materials, or reference to portions of the record.

**IT IS HEREBY ORDERED:**

1. ESTIMATED DAYS OF TRIAL: 2-3

ESTIMATED TOTAL NUMBER OF WITNESSES: 5

EXPERT TESTIMONY EXPECTED: Yes NO. OF EXPERTS:

Possible damages experts.

2. ALTERNATIVE DISPUTE RESOLUTION [ADR].

Alternative dispute resolution techniques appear helpful and will be used in this civil action as follows:

At the conclusion of fact and expert discovery, mediation may be a successful avenue for resolution of the issues involved in this litigation and should be utilized by the parties.

3. CONSENT TO TRIAL BY UNITED STATES MAGISTRATE JUDGE.

The parties do not consent to trial by a United States Magistrate Judge.

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**4. DISCLOSURE.**

The pre-discovery disclosure requirements of Fed.R.Civ.P.26(a)(1) and U.L.Civ.R. 16(d) and 26 (a) have been complied with fully.

**5. MOTIONS; ISSUE BIFURCATION.**

Staged resolution, or bifurcation of the issues for trial in accordance with FED. R. CIV. P. 42 (b) will not assist in the prompt resolution of this action.

Early filing of the following motion(s) might significantly affect the scope of discovery or otherwise expedite the resolution of this action:

Plaintiff's Motion for Conditional Certification and Court Ordered Notice must be filed no later than October 19, 2015.

**6. DISCOVERY PROVISIONS AND LIMITATIONS.**

- A. Interrogatories are limited to 25 succinct questions.
- B. Requests for Production are limited to 25 succinct questions.
- C. Requests for Admissions are limited to 25 succinct questions.
- D. Depositions are limited to the parties, experts, and no more than 5 fact witness depositions per party without additional approval of the Court.

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E. The parties have complied with the requirements of Local Rule 26(e)(2)(B) regarding discovery of electronically stored information and have concluded as follows [The parties MUST state whether or not there is ESI and, if so, how they propose to address it]:

Counsel confirm that: (a) they have or will inquire of their clients to determine the existence and types of any potentially discoverable information which may be stored in electronic form; (b) they have instructed or will immediately instruct their clients that they are obligated to preserve any potentially discoverable information which may be stored in electronic form; (c) they have instructed or will immediately instruct their respective clients not to delete any ESI related to this matter, including but not limited to e-mails (both those stored on a party's hard drive or through an online internet service such as "gmail" or "yahoo"), electronic texts, social networking sites, word processing documents and spreadsheet documents, etc; (d) agree to respond to discovery requests regarding ESI and grant opposing parties' ESI consultants access to data for searches if necessary; (e) Defendants also agree to provide Plaintiff with any and all electronic communications, including but not limited to, e-mail in Defendants' servers and/or hard drives and text messages that reference: 1) "Boerschmann", "Frank Boerschmann" or "Frank" from October 2009 to Present; 2) "Fair Labor Standards Act", "FLSA", "exempt", "non-exempt", "overtime", "wages" from October 2009 to Present.

F. The court imposes the following further discovery provisions or limitations:

- 1. Defendant may have a Fed. R. Civ. P. 35 (L.U.Civ.R. 35) medical examination of the plaintiff (within subpoena range of the court) by a physician who has not examined the plaintiff. The examination must be completed in time to comply with expert designation deadlines.
- 2. Pursuant to Rule 502(d) of the Federal Rules of Evidence, the attorney-client privilege and the work-product protections are not waived by any disclosure connected within this litigation pending before this Court. Further, the disclosures are not waived in any other federal or state proceeding.
- 3. Plaintiff must execute an appropriate, HIPAA-compliant medical authorization.
- 4. Other:

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Additional Provisions: Motion for Conditional Class Certification is due by October 19, 2015.

**7. SCHEDULING DEADLINES**

**A. Trial.** This action is set for JURY TRIAL

beginning on: October 17, 2016, at 9:40, a.m., in Oxford,  
Mississippi, before United States District Judge Michael Mills.

ANY CONFLICTS WITH THIS TRIAL DATE MUST BE SUBMITTED IN WRITING TO  
THE TRIAL JUDGE IMMEDIATELY UPON RECEIPT OF THIS CASE MANAGEMENT  
ORDER.

**B. Pretrial.** The pretrial conference is set on: September 12, 2016, at 1:30, p.m.,

in Oxford, Mississippi, before United States Magistrate  
Judge S. Allan Alexander.

**C. Discovery.** All discovery must be completed by: June 3, 2016.

**D. Amendments.** Motions for joinder of parties or amendments to the pleadings must be  
filed by: October 28, 2015.

**E. Experts.** The parties' experts must be designated by the following dates:

1. Plaintiff(s): March 1, 2016.

2. Defendant(s): April 1, 2016.

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**8. MOTIONS.** All dispositive motions and *Daubert*-type motions challenging another party's expert must be filed by: June 17, 2016. The deadline for motions *in limine* is fourteen days before the pretrial conference; the deadline for responses is seven days before the pretrial conference.

**9. SETTLEMENT CONFERENCE.**

If the parties desire judicial assistance to settle the case after initial discovery, they will contact the Court to request a date for a settlement conference when they have obtained the discovery necessary to make the conference effective.

**10. REPORT REGARDING ADR.** On or before (7 days before FPTC) September 8, 2016, the parties must report to the undersigned all ADR efforts they have undertaken to comply with the Local Rules or provide sufficient facts to support a finding of just cause for failure to comply. *See L.U.Civ.R.83.7(f)(3).*

**SO ORDERED:**

September 28, 2015

DATE

UNITED STATES *Magistrate* JUDGE

